IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 223 OF 2005

IN

SUM. SUIT NO. 2729 OF 2004

M/s. G. P. Forwarders
Pvt. Ltd., ... Plaintiffs.

vs.

Val Organics Pvt. Ltd.,
& Ors. ... Defendants.

Mr. Vinod Singh for plaintiffs.
Mr. V.B,. Kanoria for defendants.

CORAM : S.U. KAMDAR, J.
DATE : 25TH OCTOBER, 2005.

P.C.

. The claim raised in the suit is based on two invoices for the sum of Rs. 77,744.69. The claim arises out of the clearing and forwarding charges as the plaintiff has rendered services to the defendant. The defendant disputes the claim on the ground that the defendant is not liable to pay the warehousing charges because there was delay on the part of the plaintiff in clearing the said goods. I find no merit in the aforesaid contention. The

charges are payable in respect of the goods by the defendant for warehousing and, therefore, the defendant was liable to pay the warehousing charges. However, to give an opportunity to the defendant to defend the suit, I direct the defendant to deposit Rs. 75,000/- within four weeks from today failing which the plaintiff will be entitled to decree. The amount if so deposited, the Prothonotary and Senior Master is directed to deposit the same in a fixed deposit with any nationalised bank initially for a period of one year and renew the same from time to time till further orders from this Court.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from the date of deposit. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.